

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 46-56, drawn to a method of high throughput analysis of data sets generally described by sets of peaks characterized by position and area.
- Group II: Claims 57-72, drawn to a computer program product, device, or system for manipulating and analyzing raw data. If this Group is elected, then the below mentioned species election is required.
- Group III: Claims 73-78, drawn to a computer data signal embodied in a carrier wave, said computer data signal comprising extracted raw data produced by a separation technique for biomolecules. If this Group is elected, then the below mentioned species election is required.
- Group IV: Claim 79, drawn to a software package, wherein said software package is embodied by ISEApeaks package 2.0.1.
- Group V: Claims 80-88, drawn to a method comprising isolating a biological sample, extracting raw data from the sample and compiling raw data into a database. If this Group is elected, then the below mentioned species elections are required.
- Group VI: Claims 89-90, drawn to a device for diagnostic or prognostic applications.

Applicants provisionally elect Group I, Claims 46-56, drawn to a method of high throughput analysis of data sets generally described by sets of peaks characterized by position and area, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the six groups.

Moreover, the M.P.E.P. at §803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

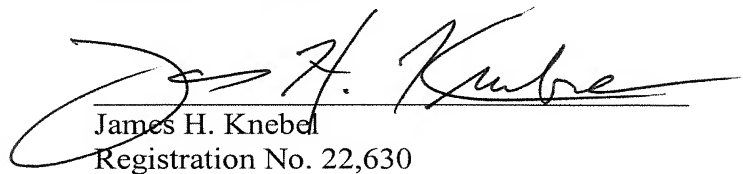
An election of species as outlined on pages 3-5 of the outstanding Office Action is apparently not required in view of the election of the Group I claims.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

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